

STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 7613

Petition of Telephone Operating Company of Vermont)
LLC, d/b/a FairPoint Communications, for a waiver of)
Board Rule 7.612(A) as applied to one customer, the)
State of Vermont)
)

Order entered: 4/29/2010

ORDER GRANTING WAIVER

INTRODUCTION

On February 12, 2010, Telephone Operating Company of Vermont LLC, d/b/a FairPoint Communications ("FairPoint"), filed a request for a waiver of the requirements of Public Service Board ("Board") Rule 7.612(A) as it relates to one customer, the state of Vermont. That rule requires that whenever a customer requests a change of service, a telecommunications carrier provide the customer with confirmation of the material terms and conditions of service. The Department of Public Service ("Department") supports FairPoint's request.

The Board finds FairPoint's request for a waiver of the service confirmation requirement, as applied to the State of Vermont, to be reasonable and we grant the waiver.

DISCUSSION

Board Rule 7.612(A) provides as follows:

(A) General. When a customer initiates service, agrees to a change in service whereby the customer is bound to a contract extension, or a customer so requests, the carrier shall provide or confirm the material terms and conditions of service with the subscriber. The confirmation shall be mailed no later than the date on which the customer's first or next bill for the ordered service is mailed or, if the customer so requests within five days of order entry or request. Confirmation may be made by mail, or it may be provided electronically in accordance with subsection (C).

FairPoint requests that we waive the applicability of this provision to one customer — the State of Vermont. FairPoint states that the Telecommunications Manager for the State of Vermont has requested specifically that FairPoint cease mailing these confirmation letters due to the volume of letters involved. FairPoint argues that the goal of Rule 7.612(A) is to ensure that customers have adequate notification and agree to all service order activity; FairPoint observes that it has a team of eight employees that communicate daily with their State telecommunications counterparts, thus making additional written confirmation of the daily service requests unnecessary.

The Department adds that FairPoint serves 13,000 lines for the State of Vermont. According to the Department, the State telecommunications staff already receives daily electronic communications from FairPoint on open orders. As a result, the State Telecommunications Manager finds the written notice cumbersome.

We find FairPoint's request for a waiver to be reasonable. The purpose of Rule 7.612(A) is to ensure that customers who request service order changes fully comprehend the changes they have ordered.¹ This notice would allow the customers to confirm that the carrier had correctly made the requested service order changes and that the customer was not receiving services other than those requested. While we consider such notice to be valuable to customers, we are persuaded that we should not require it for changes requested by the State of Vermont for two reasons. First, the State has requested that FairPoint discontinue the notices, which the State considers to be unnecessary. Second, the State has demonstrated that it is a sophisticated customer that is fully capable of protecting itself. The State is a large customer with daily changes to its telecommunications service. This regular interaction should ensure that the State has full information on its services and a rapid ability to make adjustments. In these circumstances, we agree that the service order confirmation is unnecessary, and we hereby grant FairPoint's request.

SO ORDERED.

1. See Docket 5903, Order of 7/2/99 at 37–40.

Dated at Montpelier, Vermont, this 29th day of April, 2010.

<u>s/James Volz</u>)	
)	PUBLIC SERVICE
)	
<u>s/David C. Coen</u>)	BOARD
)	
)	OF VERMONT
<u>s/John D. Burke</u>)	

OFFICE OF THE CLERK

FILED: April 29, 2010

ATTEST: s/Susan M. Hudson
Clerk of the Board

NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: psb.clerk@state.vt.us)

Appeal of this decision to the Supreme Court of Vermont must be filed with the Clerk of the Board within thirty days. Appeal will not stay the effect of this Order, absent further Order by this Board or appropriate action by the Supreme Court of Vermont. Motions for reconsideration or stay, if any, must be filed with the Clerk of the Board within ten days of the date of this decision and order.